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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, January 9, 2013 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	February 13, 2013

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Education Member
Kathy Bradley, LPN Member
Dianne Halpern, RN Member
Gwelliam Hines, RN Member
Mary Lomax, Public Member
Robert Maddex, Public Member
Madelyn Nellius, Public Member
Delphos Price, APN Member
David Salati, RN Member
Harland Sanders, Public Member
Pamela Tyranski, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Pamela Zickafoose, Executive Director
Sheryl Paquette, Administrative Specialist III
Patty Davis-Oliva, Deputy Attorney General

MEMBERS ABSENT

Lyron Deputy, RN Member
Tracy Littleton, LPN Member

ALSO PRESENT

Juli LaBadia, Wilcox and Fetzer
John Baker, DTCC
Pat Welsh, DTCC, Stanton Campus
Lisa Schieffert
Barbara J. Robinson
Rachel Joseph
Tammy Paxton, DTCC, Owens Campus
Connie Bushy, M.H. Rollins School of Nursing at Beebe Medical Center

Irina Luzhatsky
A. Dale Bowers, Attorney, Camtech School
Francis Tormen, Owner of Camtech School

Ms. Nicholson called the meeting to order at 9:08 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES (Regular Monthly Meeting)

The Board reviewed the minutes of the November 14, 2012 meeting. Mr. Price questioned the last sentence on page 6, which stated, "a letter of admonishment" will be sent. He asked if 'admonishment' was correct. Dr. Zickafoose said that on advice of Board Counsel she was told that a letter of 'concern' should be sent, not a letter of 'admonishment'. As a letter of 'concern' was actually sent, the minutes will be revised to reflect this change. Dr. Contino said on page 6 under "Ms. Flitcroft," it states Mr. Maddex abstained from the vote. Dr. Contino said he also abstained from that vote. The minutes will be revised to reflect this change as well. Mr. Sanders made a motion, seconded by Ms. Bradley, to approve the minutes as amended.

REVIEW OF MINUTES (Temporary Suspension Meeting)

The Board reviewed the minutes of the temporary suspension meeting held on December 12, 2012. Ms. Tyranski made a motion, seconded by Ms. Nellius, to approve the minutes as corrected. By majority rule, the motion carried with 5 abstaining (Dr. Contino, Ms. Bradley, Ms. Hines, Mr. Maddex, and Mr. Sanders), and 1 recusal (Mr. Salati).

ADOPTION OF THE AMENDED AGENDA

On page 2, under 9.5 'Hearings', the third item should be listed as 9.5.3. Ms. Nicholson said this was a typographical error. Mr. Price made a motion, seconded by Mr. Maddex, to adopt the amended agenda as corrected. By unanimous vote, the motion carried.

ACTIVITIES REPORT

Dr. Zickafoose provided a report of the number and types of active licenses as of January 9, 2013.

Total Active Licenses = 20,050
APN = 1253
RN = 15,884
LPN = 2913
Total permits= 38

UNFINISHED BUSINESS

VTO Program

Dr. Zickafoose passed around a sample of the VTO Program brochure that is on the DPR website (www.dpr.delaware.gov) as well as the VTO application and 3rd party referral form. Dr. Zickafoose read the front page of the VTO contract which states, "As a condition for entry into the VTO program the applicant cannot have committed any offense(s) other than the status of being chemically dependent or impaired which otherwise constitutes a ground for discipline under applicable laws governing my regulated profession."

Dr. Zickafoose said the Division has been working on an RFP (Request for Proposal) for a 3rd party vendor to manage the VTO program. She said she thought nurses may be reluctant to come before a regulatory body such as the Board of Nursing and that this could be a barrier to entering the program. Dr. Contino asked about other large organizations that may offer VTO programs in their HR departments. Dr. Zickafoose said there is communication between those organizations and the Division. Dr. Zickafoose said the Nurse Licensure Compact requires the board to mark a license "valid

in Delaware only” for anyone who has a discipline or is in a voluntary treatment program. The purpose of doing this is to protect the public from someone practicing in another state while disciplined in DE or in the VTO program.

Dr. Zickafoose reported she has been accepted into the Institute of Regulatory Excellence Program through the National Council of State Boards of Nursing. She said she hopes to look at the VTO program as part of her research project.

COMMITTEE REPORTS

Dr. Contino made the following recommendations from the Practice and Education Committee regarding Nursing School Annual Reports.

Margaret H. Rollins School

Dr. Contino said the committee reviewed this report and noted their high success rate of 100%, as well as how well the report was written. The motion coming out of committee was to continue full approval for one year. Dr. Contino said he makes that motion before the Board. Ms. Nicholson said, “It has been moved on behalf of the Practice and Education Committee that the Board give full approval for Margaret H. Rollins School of Nursing at Beebe for one full year.” By unanimous vote, the motion carried.

Camtech: They had a NCLEX pass rate of 51.6%. The motion of the committee is to progress towards a withdrawal of this program.

DIHS: They had a NCLEX pass rate of 33%. No annual report submitted because school closed and they graduated their last class in December 2011.

Delaware Skills Center: They had a NCLEX pass rate of 71.9%. This is the third year below the 80% standard. A motion was made out of committee to place them on conditional approval with an interim report due in June. The committee will reconvene and review the interim report in June.

Delcastle: They had a NCLEX pass rate of 25%. No annual report was submitted. The school is voluntarily closing in 2013. The recommendation from committee was to continue conditional approval until December 2013.

Delaware State University: They had a NLCEX pass rate of 76%. This was the third year in a row falling below the 80% rule. Their report was reviewed, and because it was the third consecutive year below the 80% pass rate the recommendation was to grant them conditional approval with an interim report due in June.

DTCC, Owens Campus: Their LPN program had an 88.1% pass rate. The RN program had an 82% pass rate. The committee noted they had also received a grant of 2.5 million dollars from the Labor Department for the development of an accelerated Associate Degree Nursing Program. The recommendation from committee was to continue full approval of both the PN and Associate Degree programs. The LPN Refresher Program did not have any students in the past year; therefore, they did not submit an annual report.

DTCC, Stanton Campus: They had a NCLEX pass rate of 86.84%. They had a high employment rate which was positive. The motion coming out of committee was to continue full approval for one year. There was also a recommendation to continue approval of the Refresher Program.

DTCC, Terry Campus: They had a NCLEX pass rate of 94.32%, and a PN pass rate of 92.5%. The committee noted their accomplishments over the years and commends them. The motion coming out of committee is for full approval of both programs for one year.

Leads School of Technology: They had a NCLEX pass rate of 55.7%. Their report was well written and well organized. The committee had approved an action plan back in the summer to help Leads School of Technology improve their scores. The recommendation was to continue conditional initial approval for a year, with a 6 month interim report due. The Practice and Education Committee will be doing a site visit in the spring of 2013.

Polytech Adult Education: They had a NCLEX pass rate of 82.76%. The committee voted to continue full approval for one full year. They are also in the process of going through NLNAC accreditation in February 2013.

University of Delaware: They had a NCLEX pass rate of 92.3%. The recommendation of the committee was to continue full approval of their under-graduate program, their RN to BSN program, and their accelerated BSN program for one year. The committee made a motion to approve the UD Refresher Program.

Wesley College: They had a NCLEX pass rate of 57.78%. Last summer the Practice and Education Committee voted to approve their action plan and that was also approved by the Board of Nursing. Based on that the committee recommended continued approval for one year with a 6 month interim report due.

Dr. Contino said those are the motions to come out of the Practice and Education Committee meeting regarding the education programs in the state of Delaware for nursing education.

Dr. Zickafoose clarified that all programs that are on conditional approval are required to submit their interim report by June 3, 2013. She said Wesley College is also on the conditional approval with the same report due June 2013.

Mr. Price made a motion, seconded by Mr. Salati, to accept all the actions proposed by the Practice and Education Committee regarding the educational nursing programs in the state of Delaware. By majority rule, the motion carried, with Dr. Contino abstaining.

Excelsior College

Dr. Contino said the Practice and Education Committee had been charged with continuing the discussion about Excelsior College, and to bring a recommendation to the Board of Nursing. He said the Rules and Regulations in Delaware require a minimum of 400 hours for clinical training of RNs and 200 hours for LPN clinical training. Since Excelsior only requires their students to do clinicals for one weekend only, it was felt they do not meet the statutory requirements set forth in Delaware for licensure. The motion coming out of this committee is that the Board of Nursing will no longer approve Excelsior graduates for licensure because they do not meet the statutory requirements necessary for licensure in Delaware. Dr. Contino said the California Board of Nursing challenged them and no longer approves Excelsior for licensure. Dr. Zickafoose said if Delaware does not approve these graduates for licensure, they might be able to apply in other states by exam, then once licensed, come back to apply for licensure in Delaware by endorsement. She said Delaware is not closing the door to them. After considerable discussion by the Board, President Nicholson called for a vote. On behalf of the committee, Dr. Contino moved that the Board no longer approve Excelsior graduate students for licensure by exam because they do not meet the Delaware requirements for clinical hours. All were in favor of the motion with no one abstaining. The motion was unanimously approved.

APN Committee – Mr. Price said the committee met on November 27, 2012. The committee decided to make a motion to dismiss a committee member if that member has missed 3 consecutive meetings with unexcused absences.

Mr. Price said he would like the Board to recognize Dr. Zickafoose and Dr. Allen Prettyman for their town hall meetings and their outstanding presentations of the Consensus Model. He thanked them for being available and for getting the word out to the other Advanced Practice Nurses (APNs) in the state. Mr. Price said Dr. Prettyman, Dr. Zickafoose and he were at the Board of Medical Licensure and Discipline (BMLD) meeting yesterday, where Dr. Prettyman and Dr. Zickafoose gave their presentation to the members of that board. They received good feedback; however, concerns were voiced from some physicians specifically about the removal of the collaborative agreement. He said Dr. Zickafoose stated the Joint Practice Committee (JPC) approves Advance Practice Nurses for prescriptive authority and then their names are forwarded to the Board of Medical Licensure and Discipline for final approval. The JPC has not been utilized for discipline as it was intended in the statute.

Mr. Price said Dr. Zickafoose and Dr. Prettyman have put together an electronic newsletter with feedback from the committee and it was sent to all APNs in Delaware. He said he is working with Dr. Zickafoose on a letter that will be sent to legislators explaining the Consensus Model and what they are looking forward to accomplishing. He said he already has received feedback from Dr. Bethany Hall-Long, State Senator.

Mr. Price said he will be at Legislative Hall January 23, 2013, along with Mr. Ronald Castaldo, past President of Delaware Association of Nurse Anesthetists, and a few others, during CRNA week to present the Consensus Model with poster boards and information. Dr. Contino commended Dr. Zickafoose on the great newsletter. She said it can be found on the website under the APN Committee.

AWSAM Committee – Ms. Tyranski said the committee met on December 4, 2012 and was well attended. The committee is still working on definitions for program documentation; as well as curriculum, and legislative changes. She said they are making great progress and are wrapping up the definitions. The curriculum sub-committee is getting started with Dr. Richardson chairing the committee. She said they are not working on policies until they see what the program looks like. She said the APN Consensus Model is the Board's priority. The committee needs to determine the best time to propose legislative changes and statutory changes. She said the pilot program for medication aides at DHSS has not been undertaken yet; therefore, there is no report on that. The next AWSAM meeting is scheduled for January 22, 2013, at 3:30 p.m., in the Cannon Building, Dover.

PRESIDENT'S REPORT

Ms. Nicholson said that although the board does not normally meet in the month of December, it was necessary to call a special meeting for December 12, 2012. She thanked all the board members for responding so quickly to the "Call of Duty" email that was sent out. She said she greatly appreciated the extra time and service given by the members, who by their attendance made it possible for the Board to have a quorum, and thereby, conduct the meeting. Ms. Nicholson said she fully understands that the Board members, who could not attend, were unable to do so due to their work schedules or personal scheduling conflicts, and certainly not due to any lack of dedication.

Ms. Nicholson said that in addition to the special meeting, she and the Board of Nursing staff were extremely busy during the month of December and the first eight days in January. She finished her report by wishing each member of the Board, the staff, and the audience a very Healthy and Happy New Year.

EXECUTIVE DIRECTOR'S REPORT

Dr. Zickafoose said it has been an extremely busy month. She said the Nurse License Compact Administrators 30 day to 90 day rule change will come up on the agenda later; however, they have asked Ms. Jennifer Childears, the Division's credentialist, to participate on the national committee. Dr. Zickafoose said she wanted to give kudos to Ms. Childears for participating on that committee and helping to implement that change throughout all the compact states.

Dr. Zickafoose said it was brought to her attention at the end of December that there was a nurse who had applied for licensure in Arizona, which is another compact state. When Arizona was contacted they noticed that this nurse had a discipline on her record, but was still holding a multi-state license. Dr. Zickafoose said she was notified by Arizona and asked why the nurse still had a multi-state license. She said she checked the Rules and Regulations, and the statute, and found it stated any nurse with a discipline, or any participation in any substance abuse program, has to have their license made 'valid in Delaware only'. Dr. Zickafoose said any time a person is placed on probation because their license is disciplined, that license will revert to 'valid in Delaware only'. She said she had the Operations Team pull 29 licensees that are on probation but were not marked correctly, and issued them new licenses with this change. Dr. Zickafoose said she wrote a letter explaining to these licensees that they are only valid in Delaware, and if they happen to work in another state the nurse licensure compact policy says they have to get Delaware's permission first to work in the other state, then they have to get the other states permission to work there on a Delaware compact license.

Dr. Zickafoose said the Nursing Licensure Compact has added, implemented, and approved a new policy that is called 'nurse alert' feature. She said this is for significant investigations. She said basically they want the Division to 'flag' any applicant or licensee in the NURSUS system so if any significant investigations are going on it will automatically notify other states they are licensed in that there is an alert and we have a significant investigation going on. Dr. Zickafoose said the reason this has not been used in the past is because there was no definition of what a 'significant investigation' was. For instance, any cases that come forward for an emergency temporary suspension are examples of what is considered a 'significant investigation'.

Dr. Zickafoose said she will be attending the Institute for Regulatory Excellence conference next week in New Orleans. She said she has been accepted to a four-year fellowship program, with mandatory meetings each year. This year's topic is Discipline, including substance abuse issues.

Dr. Zickafoose said one of her full-time Board Liaison's on Team A, who was responsible for five boards, gave her resignation in mid-December. She said Team A has been covering these additional boards in the past couple weeks. She said the job has been posted and will be filled as soon as possible. Along with this, the Real Estate Appraisers National Accreditation staff has also been here doing an audit. She said Dental Exams are scheduled to be proctored Thursday and Friday of this week as well.

Dr. Zickafoose said the RN renewals are going well. She said the deadline for the renewals is February 28th. She wrote the third phase of the Data Integrity grant and should hear from the National Council today whether or not they will approve the additional \$13,000 funding. She said at the end of the agenda several NCSBN meetings are listed. If anyone is interested in attending any of those meetings, to please let her know. She said Mr. Price will be attending the APRN Roundtable meeting.

Dr. Zickafoose handed out the Board contact list. She asked the Board to look it over and let Ms. Paquette know if they have any changes to be made. Ms. Nicholson said there is also a calendar for the Board's meetings for 2013. She said there is a typo for the January meeting on the list. The correct

date for the January meeting is the 9th, not the 19th. There is no meeting on January 19th for the Board of Nursing. The rest of the calendar was listed correctly. Mr. Price asked if the term that is listed on the contact sheet is the actual date their terms are up. Dr. Zickafoose said they are the correct dates; however, terms are not up until a member receives a letter from the Governor. Dr. Lomax said her term expiration date should be listed as 8/29/2014. A change will be made to the contact sheet to reflect this correction.

Dr. Zickafoose said she received an immediate release yesterday from the National Council Board of Directors stating, "The NCSBN voted on December 17th to raise the passing standard for the NCLEX RN examination. The standard will be revised from the current -0.16 logits to 0.00 logits beginning April 1, 2013." She read the definition of a logit which is, "A unit of measurement that can report relative differences between candidate ability estimates and item difficulties." The new passing standard will remain in effect through March 31, 2016.

NEW BUSINESS BEFORE THE BOARD

Petition for Temporary Suspension

Rachel Baynard, RN

Ms. Davis-Oliva went over the details of the complaint with the Board. She asked the Board if the allegations detailed in the complaint present an immediate or imminent danger to the public health, welfare and safety, thereby requiring emergency action to temporarily suspend the license of Ms. Baynard. Mr. Price made a motion, seconded by Ms. Halpern, that the Board having found that Ms. Baynard is an immediate and imminent danger to the public's health, safety, and welfare hereby temporarily suspend the Respondent's license, pending a final hearing of the complaint. By majority vote, the motion carried, with Ms. Nellius abstaining.

James Simon, RN

Ms. Davis-Oliva went over the details of the complaint with the Board. She asked the Board if the allegations detailed in the complaint present an immediate or imminent danger to the public health, welfare and safety, thereby requiring emergency action to temporarily suspend the license of Mr. Simon. Dr. Contino made a motion, seconded by Mr. Maddex, that the Board having found that Mr. Simon is an immediate and imminent danger to the public's health, safety, and welfare hereby temporarily suspend the Respondent's license, pending a final hearing of the complaint. By unanimous vote, the motion carried.

LICENSEE APPLICATION REVIEWS

By Examination

Roxanne Benton, GPN

Ms. Benton graduated from DTCC, Owens Campus, on 12/15/12. Her CBC shows Criminal Trespass First Degree (Rule 15.3) on 9/24/01. Her letter of explanation says she was "at the wrong place at the wrong time and chose poor influences in my life." She states she was at a friend's house at a party and the parents subsequently pressed charges against everyone that was not authorized to be there, including her. She answered "yes" to question #19 and listed "traffic violations, trespassing, offensive touching, harassment (not convicted)," as her explanation. Ms. Benton plead guilty to the Criminal Trespass charge, while the other charges were all dismissed or "Nolle Prosequi." Disposition paperwork and two letters of positive reference were submitted. Mr. Price made a motion, seconded by Ms. Hines, to grant a waiver for Ms. Benton to sit for the exam. By unanimous vote, the motion carried.

Angela Maloney, GPN

Ms. Maloney graduated from DTCC, Dover Campus, on 12/13/12. Her CBC shows Criminal Trespass Second Degree (Rule 15.3) on 2/15/03. Her letter of explanation states that due to her love of old

historic buildings, she parked her car, walked up to what she thought was a vacant farm house, along with the friend that was with her and their children. The police were called and she was arrested for trespassing. Ms. Maloney said she thought she was doing something that was innocent, but realized afterwards that was not the case. She answered "yes" to application question #19 and listed, "DUI on 1/1/2000. Trespassing (was snooping thru an old empty farmhouse) (2/15/03)," as her explanation. Ms. Maloney plead guilty to the charge of trespassing, 2nd degree on 3/25/04. Disposition paperwork and two letters of reference were submitted. Mr. Sanders made a motion, seconded by Ms. Bradley, to grant a waiver for Ms. Maloney to sit for the exam. By unanimous vote, the motion carried.

By Endorsement

Pamela Perkins, RN

Ms. Perkins graduated from St. Lukes School of Nursing, Missouri on 1/27/78. Ms. Perkins is not currently licensed. She notified the Missouri BON that she was moving to DE and her license was inactivated 8/27/12. She called the Missouri Board of Nursing and said it was not her intent to deactivate her license and they told her she'd have to go through the application process again to make it active. Since she was moving to Delaware she decided to wait and just go through the Delaware application process. She would need a waiver since we require an active license to endorse into Delaware. With regard to her Reference Form, Ms. Perkins stated she shared a business with her husband in Missouri since 2003 and was divorced from her husband in the beginning of 2012. Once divorced, she no longer worked there, and due to an "abusive marriage" she does not want her husband to know where she is relocating to; therefore, she does not have a way to get an Employer Reference Form. Ms. Perkins has included her work history from 8/2003 until 2/2011, as well as pay stubs for that period. Dr. Zickafoose explained that Ms. Perkins' application was caught up in the compact states '30-day rule'. Mr. Price made a motion, seconded by Ms. Tyranski, to grant a waiver for Ms. Benton and that licensure be granted by endorsement. By unanimous vote, the motion carried.

Mary Colucci, RN

Ms. Colucci graduated from Middlesex County College, NJ on June 1971. A Discipline Case Summary report from New Jersey shows Professional Misconduct on 5/17/83, and states she received a suspension of license on 5/17/83 – Indefinite/Unspecified, and she received a \$300 fine. A second Discipline Case Summary Report shows Unable to Practice Safely by Reason of Alcohol, or other Substance Abuse on 5/6/83, and says she received a Suspension of License from 5/6/83 – 4/6/84. Her letter of explanation says she was visiting a friend in May 1981 when police came and arrested him. She said both of them, however, were taken into the station but she was released and not charged, indicted, or brought to trial for any offense. She said she returned to work 7 months later. Ms. Colucci states she appeared before the New Jersey Board of Nursing, and it was their decision to use the time she had not worked as a suspension of practice. She further states that her license was never physically surrendered. She said she admitted to the NJ BON that she had tried Cocaine but that she is "not now, and has never been, dependent on the use of alcohol, stimulants or other habit-forming drugs." Question #18 was answered with a "no." Disposition paperwork, in the form of two discipline case summary reports was submitted. The dates in her letter of explanation and summary reports do not coincide. No letters of reference were submitted. Dr. Contino made a motion, seconded by Mr. Sanders, to propose to deny licensure by endorsement for Ms. Colucci, with the right for the applicant to a hearing. By unanimous vote, the motion carried.

Nicole Dippolito, RN

Ms. Dippolito graduated from Our Lady of Lourdes School of Nursing, NJ on August 2011. Her CBC shows Simple Assault (Rule 15.2.13), Obstruct Admin of Law on 12/15/2002. Her letter of explanation states she had just turned 18 and was in a new relationship. After hearing upsetting news, she asked this person to drive her home. While in the car the two had an argument and altercation. She said she asked to be let out of car but when her boyfriend would not let her out she said she "threw his case of

CD's out of my window, knowing he would stop for them." She said her boyfriend bashed her head into dashboard and pulled over. Ms. Dippolito said she "hit him back and ran for my life." She said the police were behind them and saw her throw something out the window so they pulled over behind them. The police called for her to stop but she kept running. They tackled her, then handcuffed and put her in the police car. While the police were questioning her boyfriend they found marijuana on him. Both Ms. Dippolito and her boyfriend were arrested. Ms. Dippolito says she plead guilty to assault and obstructing law on the advice of an attorney. She said the possession charge was dropped. Ms. Dippolito says she has maintained a professional personal life and career since these events. She says she was wrong to 'assault' the person but felt she was defending herself at the time. She says she didn't disclose this information on her application because she thought the charges had been expunged from her record. She said she wasn't required to disclose this information for her NJ license, so she didn't think to write it on her DE application either. Question number #18 was answered with a "no." Question number E23 was answered with a "yes," and listed "08/2004 I received a DUI. I plead guilty and my NJ driver's license was suspended," as her explanation. Disposition paperwork and three letters of reference were submitted. Mr. Salati made a motion, seconded by Dr. Lomax, to propose to deny licensure by endorsement for Ms. Dippolito, with the right for the applicant to a hearing. By unanimous vote, the motion carried.

By Reinstatement
Jeffrey Woerner, RN

Mr. Woerner graduated from DTCC, Stanton Campus on 5/22/97. His CBC shows DUI of Alcohol or Contrl Subst (Rule 15.8.44) on 5/14/09, and Assault Second Degree (Rule 15.2.14) on 9/01/10. His letter of explanation for the 2009 arrest states he took a wrong turn in the city while on his way back from a Phillies baseball game; and, while asking a pedestrian for directions, a police officer stopped him and smelled alcohol on his breath. He said he was charged with DUI and ultimately did 72 hours incarceration, and completed drug and alcohol counseling. He said he currently "does not touch any alcohol and understands how using it can result in bigger problems if done in an irresponsible way." For the 2010 arrest, his letter of explanation states he was living with a girl who was an RN in a V.A. hospital. He said she had a Medicaid card from one of her inpatient clients, which he said he found and was going to turn in. He said this girl said she was going to put false charges against him if he turned it in since she believed she'd get in trouble. He explained that she had her daughter falsely testify against him and he was found guilty of one count of 2nd degree assault, a misdemeanor. He said he received 150 days incarceration, serving 125 with 25 days good time. He was also on probation for 18 months with no problems and completed it. He says he is not with that person now and plans to be a better judge of the people he aligns himself with in the future. Mr. Woerner stated, "I love working as a nurse and have never had any problems arising from working with patients. My goal is to be a better person and work hard for the better of humanity." Mr. Woerner answered 'yes' to question #16 and listed "2nd degree assault – Maryland March 2010; DUI – Pennsylvania May 2009, as his explanation. Disposition paperwork and three letters of reference were submitted. Mr. Sanders made a motion, seconded by Mr. Maddex, to propose to deny licensure by reinstatement for Mr. Woerner, with the right for the applicant to a hearing. By unanimous vote, the motion carried.

Ms. Connie Strayer, RN

Ms. Connie Strayer answered yes to question #18 and stated "dependency started after taking physician prescribed narcotics for pain following surgery." Her letter of explanation says she voluntarily completed drug and alcohol treatment at Brandywine Counseling and she lives in a "self-run, self-supporting recovery house." She answered yes to question #16 however her criminal conviction for Possession of a Narcotic Schedule 1 Controlled Substance was pardoned by the Governor. She successfully completed a Nursing Refresher Course at DTCC on April 21, 2011. Mr. Price made a

motion, seconded by Dr. Lomax, to grant a waiver for Ms. Strayer by reinstatement. By unanimous vote, the motion carried.

Advanced Practice Nurse
None

Renewal
None

COMPLAINT ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Dr. Lomax made a motion, seconded by Ms. Hines, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed.

11-87-12 Halpern	11-88-12 Sanders	11-89-12 Littleton	11-90-12 Littleton
11-91-12 Maddex	11-92-12 Salati	11-93-12 Deputy	11-94-12 Nellius
11-95-12 Bradley	11-96-12 Tyranski	11-97-12 Price	11-98-12 Salati
11-99-12 Halpern	11-100-12 Sanders		

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office.

11-61-06 11-84-11 11-65-12 11-77-12

Closed Investigations by the Division of Professional Regulation

11-81-12

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Amy Rebecca Lyle – Board members reviewed the consent agreement. Ms. Lyle is a registered nurse in the State of Maryland and is practicing in Delaware pursuant to the Interstate Nurse Licensure Compact. Mr. Salati made a motion, seconded by Ms. Tyranski, to reject the consent agreement because the Board feels the sanctions are too lenient, as well as errors in 5d and 5e on the consent agreement. By unanimous vote, the motion carried.

Maia Michael Griffiths, RN - Board members reviewed the consent agreement. Ms. Nicholson noted typographical errors on page 2. Mr. Price made a motion to accept with Mr. Salati seconding the motion. Discussion ensued and concerns were voiced that her license was suspended for five years, she appealed the Board's decision and the decision was upheld on appeal. Then she blatantly disrespected the Board's order and continued to work. Mr. Price withdrew his motion and Mr. Salati concurred. Ms. Davis-Oliva reminded the board that this was a new disciplinable offense that the licensee has accepted and the DAG could drop all charges. After much discussion, Ms. Tyranski made a motion, seconded by Ms. Hines, to reject the consent agreement as written because the Board feels the sanctions are too lenient and they would appreciate having a full hearing. By unanimous vote, the motion carried. Ms. Davis-Oliva will advise the DAG about the Board's concerns and that the sanction is not severe enough.

HEARING OFFICER RECOMMENDATIONS

Rasheeda Ames-Davis, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the show cause hearing that was held. Mr. Sanders made a motion, seconded by Ms. Halpern, to accept the recommendations from the Hearing Officer with typographical corrections on pages 2, 3, and 5. By unanimous vote, the motion carried.

Carolyn R. Allen, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason the show cause hearing was held. Mr. Salati made a motion, seconded by Ms. Halpern, to approve and accept the recommendations from the Hearing Officer as written. By unanimous vote, the motion carried.

Samantha Houghton, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the show cause hearing that was held. Mr. Price made a motion, seconded by Ms. Nellius, to approve and accept the recommendations from the Hearing Officer with a correction to item #1 by striking the words "and requests that the Board reinstate her license" and correction of a typographical error on page 7. By unanimous vote, the motion carried.

Alie Conteh, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the show cause hearing that was held. Mr. Maddex made a motion, seconded by Ms. Nellius, to approve and accept the recommendations from the Hearing Officer with the change that #1 be a Letter of Reprimand, keep #2-5 recommendations, and a condition be added that Mr. Conteh's license be suspended until he completes 19 acceptable CEUs and shows proof of them to the Executive Director of the Board. By unanimous vote, the motion carried.

Lynn Howard-Ryder, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the show cause hearing that was held. Mr. Salati made a motion, seconded by Ms. Bradley, to approve and accept the recommendations from the Hearing Officer with the change that a condition be added that Ms. Howard-Ryder's license be suspended until she completes 21 acceptable CEUs and shows proof of them to the Executive Director of the Board. By unanimous vote, the motion carried.

Ramatu Crawford, LPN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the show cause hearing that was held. Dr. Contino made a motion, seconded by Mr. Maddex, to approve and accept the recommendations from the Hearing Officer with the change that a condition be added that Ms. Howard-Ryder's license be suspended until she completes 24 acceptable CEUs and shows proof of them to the Executive Director of the Board. By unanimous vote, the motion carried.

DISCIPLINARY HEARINGS

There are no disciplinary hearings scheduled for next week.

LEGISLATIVE UPDATE

There were no legislative updates.

REVIEW OF COMPLIANCE

Ramatu Jalloh

Dr. Zickafoose informed the Board that Ms. Jalloh requested to lift probation against her license. She worked greater than 60 days without a license and was given six months probation as a sanction. She submitted all necessary documents and met the requirements of her Consent Agreement. Dr. Contino made a motion, seconded by Mr. Price, to reinstate Ms. Jalloh's license. By unanimous vote, the motion carried.

Tina Hudson

Dr. Zickafoose informed the Board that Ms. Hudson was put on probation for one year. She said she has been doing well and understands her mistakes. Ms. Hudson gave a copy of her Consent Agreement to her employer and completed 8 hours of CE instead of the 6 hours she was required to do. She met all requirements of the agreement. Mr. Maddex made a motion, seconded by Ms. Halpern, to lift the probation. By unanimous vote, the motion carried.

PRACTICE WITHOUT LICENSURE REVIEWS

Dr. Zickafoose said there was one person that practiced without a license for less than 60 days; therefore, letters were sent to both the applicant and the employer.

PRACTICE ISSUES

There were no practice issues this month.

EDUCATIONAL ISSUES

Delaware State University Chairperson

Dr. Contino said he received a letter from Delaware State University stating the appointment of Dr. Lacey. There had been previous approval of Dr. Lacey as an interim Chairperson, now her position is permanent.

LICENSURE ISSUES

None

NCSBN

Dr. Zickafoose reported the following meetings are scheduled and asked if Board members would like to attend to let her know:

- Mid-Year Meeting, San Jose, CA, March 11 – 13, 2013
- APRN Roundtable, Chicago, April 9, 2013
- Long Term Care Conference, San Diego, CA, April 16-17, 2013

Ms. Hines and Mr. Maddex expressed interest in the Mid-Year meeting. Ms. Bradley requested information on the Long Term Care Conference.

LICENSEE RATIFICATION

Ms. Hines made a motion, seconded by Dr. Lomax, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

Ms. Barbara Robinson said she enjoyed the meeting. She said as a Program Director she speaks with a lot of applicants. As they exit out of the school they might test in a different state and the guidelines are sometimes different in other states. I suggest they test in Delaware. She said it is good for the schools to keep a watchful eye and look over the applications to catch something that might be missing before the application goes to the Board. She also expressed congratulations to Rachel Joseph for getting her doctorate.

Dr. Rachel Joseph asked if a person is suspended in Delaware, can they practice in another state. Dr. Zickafoose said when someone is suspended their information is put into a national database so other states will have that information available to them.

Mr. Salati pointed out that the person who wanted to speak earlier was not there to voice his concerns.

Mr. Price reminded Board members he would not be at the February meeting.

NEXT SCHEDULED MEETING

February 13, 2013 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 2:57 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director, Delaware Board of Nursing

HEARING MINUTES

HEARING (continued from November 14, 2012 meeting) – Camtech School

The Delaware Board of Nursing held a hearing on January 9, 2013 at 1:30 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Robert Contino, Kathy Bradley, Diane Halpern, Gwelliam Hines, Mary Lomax, Robert Maddex, Madelyn Nellius, Delphos Price, David Salati, Harland Sanders, Pamela Tyranski

RECUSED: Madelyn Nellius

EXCUSED: Lyron Deputy, Tracy Littleton

PURPOSE: Withdrawal of Board of Nursing Approval of School

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director of Nursing
Sheryl Paquette, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patty Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Camtech School

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzner

TIME STARTED: 1:30 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Nicholson stated to the Board members they have the minutes and additional materials supplied by Camtech as requested from the first hearing. This continuation of the hearing is for deliberations only. She said the materials were submitted in a notebook and the Board is to continue the discussion and deliberate. Ms. Halpern pointed out on page 1 of 12 that raising the entrance test score from 50 – 90% could mean two different things. Ms. Tyranski questioned bullets 3 and 4 on page 1 (limiting courses for remediation to three and limiting number of courses that may be repeated to two), and what period of time for remediation or repeating courses. Ms. Nicholson pointed out the time limit requested does not make sense as it will take greater than two years to realize results, and this should have been done before now. Mr. Salati stated there was a problem with their solutions on page 1, because reducing the number of people taking the test, rather than elevating the program to improve NLCEX scores does not really help the students. Mr. Price voiced concerns that the Board should be more aggressive, and it is vitally important to protect the public. He said they have had 5 years of probation with the last two years

NCLEX scores declining, and they have never met the 80% rule nor gained full approval of the Board. This is a futile effort to correct something that should have been previously done. Ms. Tyranski pointed out discrepancies in the document, with their solutions stating they made the program hours consistent for the day and evening programs at 1275 hours, yet the student handbook on page 16 still says 1547 hours for the day program and 972 for the evening program. She expressed concerns that they will not execute their plan as written. For example, increasing staff development for clinical instructors has merit but there were no specifics how this would be accomplished. Ms. Hines pointed out a discrepancy in the student handbook on page 14 with 75% passing score, yet 80% is required for exit exams. Mr. Salati pointed out that in some places the total scores for a course added up to 90% and not 100%, and stated it was poorly written. On page 5 of 61 pages, in Appendix F, the scores added up to 110%. Page 27 states a student must be able to maintain a grade average of greater than or equal to 80%, yet on page 30 and throughout the curriculum it says students must achieve 75% at completion of all courses on each level to qualify for promotion.

Ms. Nicholson questioned whether Camtech had corrected the identified deficiencies and called for a straw vote that Camtech has failed to maintain standards of the Board. All members agreed.

At 2:02 p.m. Mr. Dale Bowers interrupted and stated he wanted to get his name on the record. Ms. Davis-Oliva explained that the Board was in deliberations and he could speak during the public comment section of the meeting.

Mr. Salati made a motion to withdraw approval for Camtech based on failure to maintain the standards of the Board, seconded by Mr. Maddex. By unanimous vote the motion carried.

Hearing deliberations concluded at 2:04 p.m.